

**Credit River Township Board Meeting  
Monday, January 7, 2013, 6pm**

**Meeting Minutes**

**The January 7, 2013 Credit River Township Meeting was called to order at 6PM by Chairman Brent Lawrence.**

**Members Present:**

Chairman Brent Lawrence; Vice Chairman Bruce Nilsen; Supervisor Leroy Schommer; Supervisor Tom Kraft, Supervisor Al Novak.

**Others Present:**

Township Clerk Lisa Quinn, Township Treasurer Sarah LeVoir, Township Engineer Shane Nelson, Township Attorney Bob Ruppe.

- 1) Approve or Amend Agenda:** Chairman Lawrence asked if any Board member would like to add or remove anything from the agenda.

Supervisor Novak asked to add "Alarm Contract" under Old Business, "Scale Update" under New Business, and "Snowplow Update" under Road Report.

Township Treasurer LeVoir asked that "IRS & Tax Update" be added as #3 under Treasurer's Report.

Vice Chair Nilsen asked to add "Planning and Advisory Meeting Review" under Old Business.

Supervisor Schommer asked to add "Review of Insurance Certification" under New Business.

Supervisor Kraft asked to add "169<sup>th</sup> Street Review" under Road Report.

Items were added as requested.

**Vice Chair Nilsen made a motion to approve the amended agenda. Supervisor Schommer seconded the motion. Motion carried 5-0.**

## **2) Consent Agenda**

- 1) November 2012 Treasurers Report**
- 2) December 2012 Developer's Escrow Statement**
- 3) December 3, 2012 Board Meeting Minutes**

**Vice Chair Nilsen made a motion to approve the Consent Agenda. Supervisor Novak seconded the motion. Motion carried 5-0.**

## **3) Open Forum**

There were no items added here.

## **4) Old Business**

- 1) Great River Energy Presentation.** Mr. Peter Schaub and Ms. Carole L. Schmidt from Great River Energy gave a presentation regarding an energy line that will be constructed through Credit River Township. Letters have been sent out to residents explaining the project and inviting them to two planned Open Houses to be held in the area in the next two weeks. Mr. Schaub stated that if any residents had comments or concerns that they would like to have considered for the record on the project, the best way to do that would be to make those at the public hearings that will be held.

After a short presentation of the plans, Supervisor Schommer asked if this project had anything to do with the new line that will be running South of New Market. Ms. Schmidt answered that the line running south of New Market is a regional project and the proposed project is a load serving project - two different projects, although they do overlap in one small area.

Supervisor Kraft asked if there were any plans to ask for changes to easements, due to the increase to 115 KB. Mr. Schaub said that there are a few areas that may require increased easements.

Vice Chair Nilsen asked if the structures themselves would be taller. Mr. Schaub answered that the new structures will be 10-15 feet taller, and they will still be made of wood.

Resident Walt Benhardus asked if the new lines will go up on the existing poles. Mr. Schaub answered that new lines and new poles would be placed on the existing centerline, and old hardware will be removed, with the

exception of the distribution lines. That would be up to the individual co-ops to decide.

Resident Benhardus then asked if they had considered burying the transmission lines. Mr. Schaub answered that it is very expensive to bury transmission lines and it is not usually done.

#### **1) Township Parks.**

Credit River Resident Mr. John Hoger, who is retired from Lakeville Parks Department after 35 years of service, was introduced to the Township Board. Mr. Hoger had contacted Chair Lawrence indicating interest in volunteering at the Township on a Parks Committee.

Mr. Hoger provided a "Park Maintenance Plan" model for the Township Board to review and recreate for Credit River Parks if they wanted.

Supervisor Kraft recommended that a small committee be formed to explore some ideas for the parks. Chair Lawrence, Supervisor Kraft, Mr. Hoger and a resident will meet and report the ideas back to the group.

#### **2) County 44 Turnback.**

Chair Lawrence reviewed the sod installation agreement draft as presented by the County regarding sod and vegetation issues along County 44. Board concerns centered upon the county's offer to lay new sod but not bring in any other new material (i.e. black dirt.)

Engineer Nelson recommended asking the County to bring in a minimum of 4" of specifically "premium" or "select" topsoil. He also cautioned that sod rarely does well without a sprinkler system in place. Supervisor Kraft recommended asking the County to offer the homeowners the option of sod or seed.

Supervisor Schommer answered that the County probably wants sod to prevent erosion. Chair Lawrence will pass along the Board's recommendation to the County Highway Officials.

Chair Lawrence asked how the Board felt about the County's offer of \$5800.00 to Turn County 44 back over to the Township.

Vice Chair Nilsen asked when the warranty period started.

Supervisor Schommer reminded the Board that a 2 year warranty has been in place previously regarding another Township Road, and it should be no different to ask the County to put in place a warranty period on County 44.

Attorney Ruppe recommended that the \$5800.00 be accepted, ask for the two year warranty, and said that if the County and Township can get an agreement in place, there is no need for a hearing.

Chair Lawrence asked the Board for direction on the agreement. The Board recommended asking for both the \$5800.00 payment and a 2 year warranty agreement.

**Supervisor Novak made a motion to adopt the County Road 44 Turnback agreement with the addition of Attorney recommendations. Supervisor Kraft seconded the motion. Motion carried 5-0.**

**Supervisor Novak made a motion stating that if the county accepts the proposed Turnback agreement, then Credit River Township expressly waives the hearing requirement under MS163.11. Vice Chair Nilsen seconded. Motion Carried 5-0.**

**3) Building Permit Update.** Clerk Quinn offered an update to the recent Scott County Building Permit Initiative, "Life of a Parcel." Scott County Building Officials met with Credit River Chair Lawrence, Supervisor Kraft, and Clerk Quinn on December 18, 2012 to become familiar with Credit River Building Permit fees and procedure. Their goal is to create efficiencies in the process for residents. It is an ongoing initiative and more information will be forthcoming.

**4) Alarm Contract.** Supervisor Novak updated the Board on the alarm monitoring system. It is being monitored by Trans Alarm.

**5) Planning Advisory Meeting.** Vice Chair Nilsen went to the Planning Advisory Meeting at Scott County regarding the Minneapolis Gun Club Conditional Use Permit Amendment. He reports that it was well received.

He also reviewed at that meeting an ordinance change regarding riding arena setbacks to be the same or similar with other accessory building setbacks.

## **5) New Business**

**1) Preliminary Plat for Estates of Liberty Creek.** The Preliminary Plat for Estates of Liberty Creek is on the County Board Agenda for Tuesday, January 15, 2013. The Credit River Township Board discussed making a recommendation on that issue. Attorney Ruppe recommended to the Board that changes be made to the proposed agreement, including that the requirement that the word "costs" specifically be added to the proposed offer

of Township reimbursement. This would cover staff time if it becomes necessary.

Because it is below the required levels, Vice Chair Nilsen brought the matter of the Developer's Escrow with the Township to the Board and Attorney's attention. Attorney Ruppe said that because the matter now before the Board is an attempt on the behalf of the County to comply with a Court ordered mandate, the Township Developers Escrow issue is not a factor in this proceeding.

Because of an ongoing litigation situation with the Developer of Estates of Liberty Creek, The Board directed that Attorney Ruppe contact the County with this request.

The County Board meeting is on Tuesday, January 15, 2013 at 9 AM, and Attorney Ruppe, Chair Lawrence, and Supervisor Kraft will be attending.

**2) Staff Reviews.** Supervisor Novak and Supervisor Kraft offered a modification to the Township Employment Policy which directs staff reviews to be done within 30 days prior to a staff member's anniversary date, and if any salary action is warranted due to that review, that action be made effective as of an employee's anniversary date.

**3) Scale.** The statewide recommendations regarding new legislation were presented at the last Scale Meeting, and the major one that affects the Township is a proposed directive that will require each Metro County to have a representative on the Metropolitan Council.

**4) Liability Insurance Certification.** Each year, Credit River Township reviews the liability insurance of each contractor. Supervisor Schommer reminds the Board that this review is done in January, and asked Clerk Quinn to accomplish it during this time.

## **6) Road Report**

**1) Snow Report.** Supervisor Novak reports that there have been some calls regarding snowplowing. There have been compliments, and also a few complaints regarding damage to mailboxes. Supervisor Novak asked the Board if there is any consideration given to the set Township Mailbox compensation of \$50.00 for any of the more expensive mailboxes that are required by HOA agreements in the Township. The Board answered that \$50 is the maximum compensation offered, which is in line with neighboring city and township compensation levels.

- 2) **169<sup>th</sup> Street.** Supervisor Kraft reports the resident who is responsible for some Township Road damage in conjunction with his building permit has expressed willingness to pay for the damage, but the situation is complicated by the fact that he also has issues concerning the shape of his driveway. Supervisor Kraft continues to work with the resident to come to a resolution on these issues. Resident will attend the next meeting to discuss the specifics of the situation if it isn't resolved by then.

## 7) **Engineer's Report**

- 1) **Territory.** Township Engineer Nelson reports that CSTS II and III are substantially complete. The few items that remain are weather related. A Flow meter has been delivered to the Township Hall, but will not be installed immediately due to weather considerations. Advanced Septic suggests that \$300 of escrow be retained for the installation of that meter. With that being said, Engineer Nelson relates that although it is unlikely that the project will be completed by the stated completion date, SA Group has requested that the warranty period be started because they have an offer on the property from a private developer. Engineer Nelson recommends this course of action because it offers several possible advantages, including the possibility of having a private developer assist the current residents with their well issue.

Attorney Ruppe then updated the Board on a current initiative on the part of SA Group and the County to correct an error that was discovered in one of the Developer's Agreements. He presented the draft amendment to the Township Board for their review, recommended the amendment for approval by the Town Board, and asked if they would like to recommend any minor changes to it.

Chair Lawrence initiated a discussion among the Board Members regarding the Attorney fees for the Township being generated by amending the Developers Agreement. Attorney Ruppe explained that amending the Territory Developer's Agreement is part of a three way agreement between the Township, County and Developer.

The potential private developer, Mr. James Deanovic, approached the podium and made a few comments regarding the talks his company has had with members of the Territory HOA group. His assessment of the progress he has made with members of the HOA is positive.

Mr. Deanovic asked Attorney Ruppe to keep any charges for the Developers Agreement Amendment separate from the CSTS Charges. Mr. Ruppe assured him he does itemize all of his charges.

After discussion, the Board made a decision to allow up to \$1000.00 more of Attorney and engineering charges before further review of the issue will be required to take place.

**Vice Chair Nilsen made a motion for the Township to spend up to \$1000 on Engineering and Legal fees, with any additional fees above and beyond that to be subject to Chair and Vice Chair review and authorization. Supervisor Schommer seconded the motion. The motion carried 5-0.**

**Vice Chair Nilsen made a motion to accept the Scott County – Credit River Township Amended Developer Agreement, Territory Third Addition, contingent on Attorney review. Supervisor Novak seconded the motion. Motion passed 5-0.**

Engineer Nelson then asked the Board to consider the acceptance of the improvements for Territory CSTS II and III. He explained that if the CSTS improvements were accepted, then the Township would still hold the financial security to complete the work, SA Group would have the work completed in the Spring (and retain some money to be used to complete the work), and in essence the acceptance for the improvements would just slightly shorten the warranty period.

During Board discussion, Mr. Deanovic commented that “the development would be up and running within two years,” to relieve Board concerns about approving improvements and starting a warranty period in the winter. After Board discussion, a motion was made.

**Vice Chair Nilsen made a motion to accept the improvements of CSTS II and III and start the warranty period, and reducing the escrow to \$66,200.00 as of claims received and paid as of December 3, 2012. Supervisor Schommer seconded the motion. Motion passed 5-0.**

## **8) Treasurer Report**

- 1) Transfer Funds.** Treasurer LeVoir requests a transfer of \$360,000 from savings to checking to pay claims.

**Vice Chair Nilsen made a motion to transfer \$360,000.00 from savings to checking. Supervisor Novak seconded. Motion carried 5-0.**

**2) Audit Update.** The Annual Credit River Township Audit has been partially completed, and the next dates that auditors will be conducting review will be January 17 and 18, 2013 at the Town Hall.

**3) IRS & Tax Update.** Treasurer LeVoir offered a few IRS and Tax updates to the supervisors and staff. First, the mileage reimbursement has been raised to .565 per mile, and secondly, that FICA has been revised to the previous rate of 6.2%.

Also, the State of Minnesota Sales Tax code has been revised, resulting in some goods and services being exempt from sales tax for the Township. A form has been distributed to each Supervisor and staff member to present at point of purchase to have the sales tax removed.

Certain services that the Township uses are now exempt from sales tax, as well. Those Vendors will be sent the form so they will no longer charge the Township sales tax.

Thirdly, the tax code allows the Township to request a refund of any sales tax paid within the previous 3 years on invoiced items that qualified for the sales tax exemption. The Treasurer asked the Board if they would like her to research this and see if the Township will qualify for this refund of sales tax previously paid. After discussion, the Board agreed that as time allows, refunds will be sought.

## **9) Clerk's Report**

**1) Resolution 2013-01: Resolution Appointing Election Judges 2013.** A resolution was introduced that will approve a list of trained election judges for selection for the March Township Election. A roll call is required for this resolution.

**The roll call for Resolution 2013-01, Resolution Appointing Election Judges 2013, was as follows: Chair Lawrence: Aye; Vice Chair Nilsen: Aye; Supervisor Schommer: Aye; Supervisor Novak: Aye; Supervisor Kraft: Aye. Motion passed with a vote of 5-0.**

**2) Resolution 2013-02: Resolution Regarding Liquor License Heritage Links Golf Club.** A resolution was introduced to approve a Liquor License and Sunday Liquor License for Heritage Links Golf Club. A roll call vote is required for this resolution.



**The roll call for Resolution 2013-02, Resolution Regarding Liquor License Heritage Links Golf Club, was as follows: Chair Lawrence: Aye; Vice Chair Nilsen: Aye; Supervisor Schommer: Aye; Supervisor Novak: Aye; Supervisor Kraft: Aye. Motion passed with a vote of 5-0.**

# 10)Review and Pay Bills

Checks:	Paid to:	Amount:	Comments:
Paid Chk# 000172E	ANCHOR BANK	38.28	ACH/Check Scanner Fees Clerk Cell
Paid Chk# 000173E	ANCHOR BANK - DEBIT CARD	407.34	Phone/Postage/Office Supplies
Paid Chk# 000174E	EFTPS	1,395.23	FICA/Medicare/Fed WH
Paid Chk# 000175E	PERA	614.58	PERA
Paid Chk# 000176E	MINNESOTA REVENUE MW5	103.01	State WH
Paid Chk# 007001	AL NOVAK	696.09	December 2012 Srv Pd in January 2013
Paid Chk# 007002	BRENT LAWRENCE	697.24	December 2012 Srv Pd in January 2013
Paid Chk# 007003	BRUCE NILSEN	678.77	December 2012 Srv Pd in January 2013
Paid Chk# 007004	LEROY SCHOMMER	623.36	December 2012 Srv Pd in January 2013
Paid Chk# 007005	LISA QUINN	XXXX	December 2012 Srv Pd in January 2013
Paid Chk# 007006	SARAH LEVOIR	XXXX	December 2012 Srv Pd in January 2013
Paid Chk# 007007	TOM KRAFT	631.78	December 2012 Srv Pd in January 2013
Paid Chk# 007008	AL NOVAK	16.95	December 2012 Expense Reimbursement
Paid Chk# 007009	ART JOHNSON TRUCKING INC	6,842.84	December 2012 Road Mtc Shouldering work - 9251
Paid Chk# 007010	BOHNSACK & HENNEN EX CAVATIN	404.30	Overland
Paid Chk# 007011	BRENT LAWRENCE	28.25	December 2012 Expense Reimbursement
Paid Chk# 007012	CENTERPOINT ENERGY	88.47	Town Hall Gas
Paid Chk# 007013	CERTIFIED RECYCLING	50.00	Disposal 3 Sect Couch

Paid Chk#			Judicial Road Expenses June
007014	CITY OF LAKEVILLE	879.22	- November 2012
Paid Chk#		111,655.5	
007015	CITY OF PRIOR LAKE	0	First Half 2013 Fire Contract
Paid Chk#			
007016	COLLEEN SERNETT	50.00	Mailbox Reimbursement
Paid Chk#			
007017	COURI & RUPPE, P.L.L.P.	1,605.00	Legal Fees
Paid Chk#			
007018	DB SERVICES	700.00	Winter Mtc Town Hall/CSTS
Paid Chk#			
007019	ECM PUBLISHERS INC	185.50	Legal Publishing Notices
Paid Chk#			December 2012 Winter Road
007020	GALLAGHERS	9,907.50	Mtc
Paid Chk#			
007021	GE CAPITAL	149.64	Copier Expense
Paid Chk#			
007022	GOPHER STATE ONE CALL HAKANSON ANDERSON ASSOC INC	15.95	Utility Locates
Paid Chk#		18,334.26	Engineering Fees
007023			
Paid Chk#			
007024	INTEGRA TELECOM	553.45	Phone
Paid Chk#			NPDES Escrow Refund -
007025	JAMES OR LINDA MARTINSON	896.00	6556 Broadview
Paid Chk#			
007026	KENNEDY & GRAVEN, CHARTERED	157.30	Legal Fees
Paid Chk#			December Winter Road Mtc -
007027	KRAEMER MINING& MATERIALS INC	439.73	Lime Stone
Paid Chk#			December 2012 Expense
007028	LISA QUINN	15.79	Reimbursement
Paid Chk#			Courier Charge for Copier
007029	METRO SALES , INC.	22.37	Toner
Paid Chk#			
007030	MIDWEST BLINDS	547.50	Town Hall Blinds
Paid Chk#			
007031	MINNESOTA DEPT OF HEALTH	150.00	MHSP Well Monitoring Fee
Paid Chk#			
007032	MVEC	467.42	Electricity
Paid Chk#			
007033	NATURAL SYSTEMS UTILITIES MN	15,966.68	CSTS Monitoring
Paid Chk#			
007034	PRIOR LAKE BLACKTOP, INC.	812.00	Patching Potholes - Fern
Paid Chk#			
007035	PRIVATE UNDERGROUND	99.50	Utility Locates

Paid Chk# 007036	SA GROUP PROPERTIES, INC	102,972.5 8	Release of Territory Escrow
Paid Chk# 007037	SAFETY SIGNS	2,400.00	Signs
Paid Chk# 007038	SARAH LEVOIR	50.00	December 2012 Cell Phone Reimbursement
Paid Chk# 007039	SCOTT COUNTY TREASURER	441.45	TNT Cost/Postage
Paid Chk# 007040	SCOTT SOIL & WATER CONSV DIST SOUTHWEST	312.00	November 2012 Building Site Inspections
Paid Chk# 007041	SUBURBAN PUBLISHING	244.90	Legal Publishing Notices
Paid Chk# 007042	SUSAN SHROYER	107.55	Election Judge Wages
Paid Chk# 007043	TRANS-ALARM	348.03	Repair Town Hall Door/Alarm; Monitoring
Paid Chk# 007044	VIKING ACOUSTICAL CORPORATION	120.00	Plastic for Town Hall Map
Paid Chk# 007045	WEBCETERA DESIGNS LLC	212.50	Website Srv Charges GO 2009A Bond
Paid Chk# 007046	WELLS FARGO BANK	87,785.00	Principal/Interest Payment
Paid Chk# 007047	XCEL ENERGY	12.76	St. Francis Street Light
<b>Total</b>		<b>\$375,068.71</b>	

- 11) **Adjourn.** There being no further business before the Town Board, a motion to adjourn was made.

**Vice Chair Nilsen made a motion to adjourn the January 7, 2013 Credit River Township Board Meeting. Supervisor Schommer seconded the motion. Motion passed 5-0.**

Meeting was adjourned at 8:53 PM.

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**Submitted by: Lisa Quinn  
Township Clerk  
Credit River Township**

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**Approved By: Brent Lawrence  
Chairman Board of Supervisors  
Credit River Township**